REMARKS

Claims 1, 3, 5-7 and 9-17 are pending in this application. By this Amendment, the specification and claims 1, 6 and 12 are amended. Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made."

Entry of this Amendment is proper under 37 C.F.R §1.116 because the Amendment: (a) places the application in condition for allowance; (b) does not raise any new issues that require further search and/or consideration; and (c) places the application in better form for an appeal should an appeal be necessary. More particularly, the Amendment is in direct response to the final rejection and therefore the amendments were not previously made. Entry is proper under 37 C.F.R. §1.116.

The Office Action objects to the drawings. It is respectfully submitted that the above amendment to the specification obviates the ground for objection.

The Office Action rejects claims 1, 3, 5-7 and 9-17 under 35 U.S.C. §112, first paragraph. In particularly, the Office Action asserts that the claim 1, line 4 limitation of "at least two analyzing parts having different functions" is not supported within the specification. The specification discusses the analyzing part 3 and the analyzing part 4. Furthermore, the specification (at page 10, lines 21-27) clearly shows that the analyzing part 3 carries out an analysis at a high speed so that the time for the analysis is short since the number of analyzing items are small, while the analyzing part 4 has a large number of analyzing items so the time for the analysis is long and accordingly they may be selectively used depending on the content of analysis. Furthermore, the specification (at page 19, lines 5-11) discusses a structure of the analyzing part 3 and (at page 19, lines 12-14) describing the structure of the analyzing part 4

that includes a sub-module 14 in which the reagent is added. Furthermore, portions of the specification describe having a plurality of analyzing parts that may be combined in accordance with a purpose. See, for example, page 1, lines 19-23. One skilled in the art would clearly understand from reading the specification that each of the analyzing parts, such as the analyzing parts 3 and analyzing parts 4 have different functions. This would be clearly understood by the overall intent of the present invention.

The Office Action also asserts that the claim 12 limitation "stages...at a height of 750-850 mm" is not disclosed within the specification. Applicants have accordingly amended claim 12 to recite "850-950" mm as suggested in the Office Action.

The Office Action rejects claims 1, 3, 6-7, 9, 15-16 under 35 U.S.C. §102(a) by JP2000-973A to Takahashi et al. (hereafter Takahashi). The Office Action also rejects claims 5, 10-14 and 17 under 35 U.S.C. §103(a) over Takahashi.

Takahashi was published on January 14, 2000. The present application was filed on April 22, 1999 based on the PCT International Application filed on October 23, 1996. Therefore, Takahasi is not prior art under 35 U.S.C. §102(a) with respect to the present application. Withdrawal of the rejections based on Takahashi is respectfully requested.

The Office Action also rejects claims 1, 3, 5-7, 9-17 under 35 U.S.C. §103(a) over U.S. Patent 5,380,488 to Wakatake in view of JP62-1603. The Office Action also rejects claims 1, and 12-14 under 35 U.S.C. §103(a) over JP63-217273 to Okamoto et al. (hereafter Okamoto). The rejections are respectfully traversed.

Independent claim 1 recites a specimen introducing part, at least two analyzing parts having different functions and applied with function identification parts and a specimen storage part. The specimen introducing part, the rack conveying part, the analyzing parts and

the specimen storage parts are arranged and coupled along the longitudinal direction of the specimen conveying part having heights measured from the floor which are substantially equal to one another and depths which are substantially equal to one another. The analyzing parts have different functions and are applied with function identification parts.

Thus, the analyzing parts having the different functions may be distinguished from each other. Based on these limitations, since all the components have identical shapes, the human sensory function may be controlled so as to provide a comfortable and satisfactory analyzing environment. Furthermore, replacement and rearrangement of any of the component units may be simply made. Due to the function identification parts respectively applied to the analyzing parts, the analyzing parts having externally identical shapes and having different functions may be readily distinguished from each other.

The cited prior art, including Wakatake, JP62-1603 and Okamoto, either alone or in combination, do not teach or suggest all the features of claim 1. That is, the cited reference, do not teach or suggest the respective arrangement of the specimen introducing part, analyzing parts and specimen storage parts having the respectively claimed heights and depths and wherein the analyzing parts are clearly identified from each other by the function identification parts respectively applied thereto. The Office Action agrees that Wakatake does not disclose the use of identification means and patterns on the front of modular units. The Office Action references JP62-1603's element 17 on the front of the analyzer 14 (Fig. 1). However, JP62-1603 does not suggest the at least two analyzing parts having different functions and function identification parts and wherein the analyzing parts are clearly identified by the function identification parts. Okamoto also does not suggest these features.

Accordingly, independent claim 1 defines patentable subject matter. Each of independent claims 6 and 12 also defines patentable subject matter for at least similar reasons as claim 1. Each of claims 3, 5, 7, 9-11 and 13-17 depends from one of the respective independent claims and therefore also define patentable subject matter. Withdrawal of the outstanding rejections are respectfully requested.

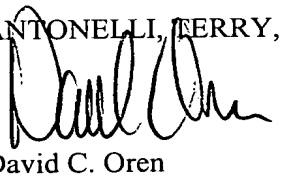
CONCLUSION

In view of the foregoing, it is respectfully submitted that the above identified application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3, 5-7 and 9-17 are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.37156X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph beginning on page 16, line 8, have been amended as follows:

--In the front surface part of the reagent cold reservoir 30, an opening having a top surface depth and a bottom surface depth which is larger than the former, is formed, and the opening is covered with an opening and closing transparent cover [30] 30a defining a curved surface.--

IN THE CLAIMS

Claims 1, 6 and 12 have been amended as follow.

1. (Twice Amended) A biochemical analyzer for automatically analyzing a specimen, comprising a specimen introducing part for introducing a specimen rack, a specimen rack conveying part for conveying said specimen rack received from the specimen introducing part, to at least two analyzing parts having different functions and applied with function identification parts for allowing an operator to confirm one of the analyzing parts to be intended to be used, said analyzing parts pipetting specimens on the specimen rack and allowing the specimens to react with reagents so as to analyze the specimens, and a specimen storage part for storing the specimen rack for which the pipetting is completed, the specimen introducing part, the rack conveying part, the analyzing parts and the specimen storage parts

being independent from each other and being arranged on a floor so that each of them is solely removable, and the specimen introducing part, the analyzing parts and the specimen storage part being arranged and coupled along the longitudinal direction of the specimen conveying part having heights measured from the floor, which are substantially equal to one another, and depths which are substantially equal to one another, wherein said analyzing parts are clearly identified from each other by said function identification parts respectively applied thereto.

6. (Twice Amended) A biochemical analyzer for automatically analyzing a specimen, comprising a specimen introducing part for introducing a specimen rack, a specimen rack conveying part for conveying said specimen rack received from the specimen introducing part, to at least two analyzing parts having different functions and applied with [a] function identification parts for allowing an operator to confirm one of the analyzing parts to be intended to be used, said analyzing parts pipetting a specimen on the specimen rack and allowing the specimen to react with a reagent so as to analyze the specimen, a specimen storage part for storing the specimen rack for which the pipetting is completed, the specimen introducing part, the rack conveying part, the analyzing parts and the specimen storage parts being independent from each other, and the specimen introducing part, the analyzing parts and the specimen storage part having widthwise dimensions which are multiples of the longitudinal length of the specimen rack, including 1, wherein said analyzing parts are clearly identified from each other by said function identification parts respectively applied thereto.

12. (Twice Amended) A biochemical analyzer comprising an introducing part for introducing a specimen, a storage part for storing the specimen and at least two analyzing parts having different functions and applied with function identification parts for allowing an operator to confirm one of the analyzing parts to be intended to be used, for allowing the specimen to react with a reagent so as to analyze the specimen, wherein stages are provided on the top surface sides of at least the analyzing parts, at positions where the operator carries out confirmation, adjustment and replacement during analysis and at a height of [750 to 850] 850 to 950 mm measured from a floor on which the biochemical analyzer is set, wherein said analyzing parts are clearly identified from each other by said function identification parts respectively applied thereto.